

**DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED AMENDMENT OF THE REGULATIONS
Title 4, Division 9, Chapter 6, Article 5
Engine Fuel Standards**

INITIAL STATEMENT OF REASONS/
PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Background

The overall mission of weights and measures is to preserve and maintain the standards of measurement essential in providing a basis of value comparison for the consumer and fair competition for industry. The principal task of the Petroleum Products Program is to regulate and enforce the advertising, labeling and quality specifications for motor oils, engine fuels, gear oils, brake fluids, automatic transmission fluids, and engine coolants.

The Legislature has charged the Department of Food and Agriculture (Department) with the responsibility of enforcing weights and measures law within California (Business and Professions Code, Division 5, Section 12103.5). The Secretary of the Department of Food and Agriculture (Secretary) is granted the authority to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5, Sections 12027 and 13450.

The Department and the Division of Measurement Standards' Petroleum Products Program are charged with the responsibility to establish specifications for compression-ignition engine fuels sold in California. The Department is required to adopt, by reference, the latest standards of a recognized consensus writing organization such as ASTM International.

Description of the Public Problem, Administrative Requirements, or Other Conditions or Circumstances the Regulations are Intended to Address

The Department and the Division of Measurement Standards' Petroleum Products Program are charged with the responsibility to establish specifications for engine fuels sold in California.

The Department is required to adopt, by reference, the latest standards of a recognized consensus organization or standards writing organization, such as ASTM International.

The latest version of ASTM International specification D 975 for Diesel Fuel Oils includes a test method for evaluating lubricity of diesel fuels. This test method ensures that newly formulated diesel fuels are monitored for increased fuel pump wear. The proposed regulation would incorporate this test parameter into the existing diesel fuel quality testing program currently in place in California.

Specific Purpose of the Regulation: Necessity

This proposal would enable the Department to adopt the latest version of ASTM International specification D 975 for Diesel Fuel Oils, thereby fulfilling the Department's statutory obligation to adopt the latest standards established by a recognized consensus organization.

Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department has initially determined that this proposal does not impose a mandate on local agencies or school districts. The Department has also initially determined that no costs or savings to any other state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

The cost impact of the changes in the regulation on private persons or businesses is expected to be minor or insignificant.

The Department has also made an initial determination that the action will not have a significant statewide adverse economic impact on housing costs or California business, including the ability of California businesses to compete with businesses in other states.

Assessment Regarding Effect on Job/Businesses

The Department has made an assessment that the proposed regulation may: (1) create jobs within California; (2) create new businesses within California; or (3) affect the expansion of businesses currently doing business in California.

Alternatives Considered

The Secretary must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be as effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to the affected private persons other than the proposed action.

Technical, Theoretical, and/or Empirical Study, Reports or Documents

In order to comply with the latest version of ASTM International Specification D 975 for Diesel Fuel Oils, which recently incorporated the ASTM International Standard Test Method for evaluating lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR), it is required by law that this test method be included in the Department's diesel fuel quality testing program.

The proposed regulation will enable the Department to continue fulfilling its statutory obligation of monitoring the market place to ensure and maintain the quality of diesel fuel sold in California.